

**EXHIBIT 1**

**Benton Harbor Police Department -- (269) 927-8436**  
**200 East Wall Street, Benton Harbor, MI 49022**

Incident No: **05-004575**Status: **Open**

Date Reported: **11/14/2005** Time Reported: **17:29**

Officer: **Collins, A.**

Classification: **VIOLATION OF CONTROLLED SUBSTANCE -- (3500-1)**  
**DRIVING LAW VIOLATIONS -- (5400-3)**

Location: **Plummer/Pipestone**Section: **District 51**

Nbh:

Description: **3500**Clerk: **DA**

Arrested:

**ATKINS, DEMOND SHONTE**  
**1020 Union**  
**BENTON HARBOR, MI 49022**

DOB: **11/27/1978**

Race: **Black** Sex: **Male** Hair: **Black** Eyes: **Brown** Ethnicity:

Arrest Information:

No	Date	Code	Description	Disp	Disposition of Case
1	11/14/2005	3510	HEROIN - SELL/MANUFACTURE		
2	11/14/2005	3599	DANGEROUS DRUGS (OTHER)		
3	11/14/2005	3565	MARIJUANA - USE		

Arrested:

**JACKSON, XAVIER JACQUES**  
**1916 E. Britain # 8**  
**BENTON HARBOR, MI 49022**

DOB: **06/25/1983**Soc. Sec.: **378-92-7868**Phone: **(616) 927-3651**

Race: **Black** Sex: **Male** Hair: **Black** Eyes: **Brown** Ethnicity:  
 Height: **5'09"** Weight: **160 lbs.** Build: Complex: Resident:

Arrest Information:

No	Date	Code	Description	Disp	Disposition of Case
1	11/14/2005	3510	HEROIN - SELL/MANUFACTURE		
2	11/14/2005	3599	DANGEROUS DRUGS (OTHER)		
3	11/14/2005	3565	MARIJUANA - USE		

Arrested:

**WALKER, JUSTIN OMAR**  
**1020 UNION**  
**BENTON HARBOR, MI 49022**

DOB: **03/02/1988**

Race: **Black** Sex: **Male** Hair: **Black** Eyes: **Brown** Ethnicity:  
 Height: **5'05"** Weight: **190 lbs.** Build: Complex: Resident:

Notes: **D-Rock's(Demond Atkins) little brother**

Arrest Information:

No	Date	Code	Description	Disp	Disposition of Case
1	11/14/2005	3510	HEROIN - SELL/MANUFACTURE		
2	11/14/2005	3599	DANGEROUS DRUGS (OTHER)		
3	11/14/2005	3565	MARIJUANA - USE		

Complainant / Victim:

**BENTON HARBOR CITY**  
**200 E. WALL**  
**BENTON HARBOR, MI 49022**

Phone: **(616) 927-8436**Notes: **COMPLAINANT IS CITY OF BENTON HARBOR**

Vehicles:

**SILVER 2006 BUICK STA WAGON**Tag: **ACU0101 / MI**

Registered To: **Bank Of New York As Trustee**  
**300 Centre Pointe Dr**  
**Virginia Beach, VA 23462**

VIN: **3G5DA03L06S504917**

Signed:

Reviewed By:

Date Printed: **11/15/2005**

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## Property:

**1) Plastic baggie containing suspect heroin**

Loss Type: Seized

Notes: **104 individual lottery bindles of suspect heroin.****2) (1) small zip lock baggie containing suspect marijuana**

Loss Type: Seized

**3) \$550.00 cash**

Loss Type: Seized

Notes: **1-\$100, 18-\$20, 4-\$10, 3-\$5 and 35-\$1 dollar bills. Seized from Xavier Jackson****4) \$103.00 cash**

Loss Type: Seized

Notes: **3-\$20, 2-\$10, 2-\$5 and 13-\$1 dollar bills. Seized from Justin Walker.****5) \$768.00 cash**

Loss Type: Seized

Notes: **2-\$50, 28-\$20, 8-\$10, 23-\$5 and 13-\$1 dollar bills. Seized from Demond Atkins**

## Original Narrative:

## INFORMATION:

*(KASHA)*

On 11/14/05 around 1645 hours I was contacted by a confidential police informant. CPI advised that DEMOND ATKINS, his little brother JUSTIN WALKER and their cousin XAVIER JACKSON were selling heroin and cocaine in Benton Township. CPI then advised that ATKINS was driving a silver SUV rental car on Pipestone driving towards the City of Benton Harbor.

## OFFICER OBSERVATION:

I then positioned my patrol vehicle on Clay Street near Pipestone. Seconds after arriving at this location, I observed DEMOND ATKINS driving a silver SUV rental vehicle on Pipestone near Clay. I knew that the vehicle was a rental because I took a PDA report from Atkins in the same vehicle approximately two weeks ago.

I then observed JUSTIN WALKER was the front seat passenger and observed him not wearing a safety belt. I know WALKER from prior drug related arrests and knew him to be DEMON ATKINS little brother. At that time I could not see if there were any other occupants in the vehicle. I then initiated a traffic stop.

## TRAFFIC STOP:

Listed vehicle was stopped on Plummer and Pipestone. I then approached the vehicle and ATKINS lowered the drivers side window. I could immediately smell a strong odor of burnt marijuana. I then asked ATKINS for his license, registration and proof of insurance. ATKINS was unable to provide me with any of the paperwork and he was arrested for driving without a valid operators license on person. ATKINS was removed from the vehicle and I searched his person subsequent arrest. In his right front pants pocket I located a large amount of money in small denominations. (28-\$20's, 23-\$5's) NOTE: In my experience as a Police Officer in the City of Benton Harbor it is common for suspects to possess large amounts of money in small denominations when they are involved with illegal narcotic sales. I then advised ATKINS of my observation of the smell of marijuana. ATKINS advised that I could search the vehicle and that it was in his name as a rented vehicle.

## CONTACT WITH XAVIER JACKSON:

I then made contact with JACKSON who was located in the rear passenger compartment of the vehicle. He was seated behind the passenger seat. JACKSON was advised to exit the vehicle and I then patted down his person for my safety. While patting him down I felt a large soft lump in his right front pants pocket. Large soft lump felt consistent to packaged marijuana. I then asked JACKSON if he had marijuana on his person and he advised that all that was in the pocket was money. I then asked JACKSON if I could remove the money and he advised I could. I then did so and again observed a large amount of money in small denominations. (18-\$20's 35-\$1's) I then asked JACKSON why he smelled like marijuana and he advised that "We just got done smoking man." I then asked him if he smoked in the vehicle with WALKER and ATKINS and he advised

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Original Narrative (continued):

that " I just told you man, we just got done, but it's all gone."

**OFFICER ACTION:**

JACKSON was then arrested for use of marijuana.

**CONTACT WITH JUSTIN WALKER:**

I then made contact with JUSTIN WALKER who was seated in the front passenger seat. I also patted down his person for my safety and felt a small soft lump in his right front pants pocket. I asked WALKER what it was and he advised that it was money. I then asked how much and he advised he didn't know. I then asked him why he smelled strongly of marijuana and he advised "You heard JACQUES man, we just smoked." NOTE: XAVIER JACKSON is also known as JACQUES and JACQUES is XAVIER'S middle name. I then placed WALKER under arrest for use of marijuana. I then recovered a small amount of money in small denominations from his right front pants pocket. (3-\$20, 2-\$10, 2-\$5 and 13-\$1 dollar bills)

**CONSENT (SUBSEQUENT LAWFUL ARREST) SEARCH OF VEHICLE:**

I then searched suspect vehicle and located a small ziplock baggie filled with suspect marijuana under the drivers seat. Suspect marijuana fell from under the seat when I adjusted the seat from the back to the front.

**MIRANDA RIGHTS:**

All where then advised of their Miranda Rights. All advised that they understood the rights and none advised if they wanted to make a statement or not.

**CIVIL FORFEITURE ATKINS:**

After WALKER and JACKSON had been taken to BCSD to be lodged I was in my patrol vehicle with ATKINS waiting for a tow for the suspect vehicle. I was filling out forfeiture paperwork when I asked ATKINS where the money came from and why it was in small denominations. ATKINS advised "Your not stupid COLLINS, I aint got to tell you where the money came from." ATKINS then advised "How much you got there man." ATKINS then advised "I had about \$800 on me man right." I then advised that I would need to count the money. ATKINS then advised that he wanted to talk off the record.

I then advised ATKINS that my in car camera was not working and nothing was recording. ATKINS then advised "How much man, give me a number." I then asked ATKINS what he was talking about and he advised "How much to put you on my payroll." I then advised ATKINS that I would feel like a "Dirty cop" if I took money from him. ATKINS then advised "I hear you got a kid on the way man, you want to buy that baby some nice stuff for Christmas right."

I then asked ATKINS what kind of amount he was talking about. ATKINS then advised "Double that every two weeks man, fifteen hundred every two weeks cash." I then advised "Three thousand a month man?" ATKINS then advised that was how much it would take to "Put COLLINS on my payroll." I then asked ATKINS what I would have to do for him in return and he advised "Just cut me and GHOTTI slack man." NOTE: GHOTTI is JUSTIN WALKER'S street name. I then asked ATKINS, "So all I have to do is leave you and your little brother alone?" ATKINS advised "That's it man, not alot to do for that kind of extra money." I then advised ATKINS that I would think about it and he advised to place my cell phone number in his pocket of his jacket a the jail and he would contact me after he got out.

**CIVIL FORFEITURE JACKSON:**

While interviewing JACKSON he advised that he did not currently have a job. JACKSON advised that he had no comment for where the money came from or why it was in small denominations.

**CIVIL FORFEITURE WALKER:**

While interviewing WALKER he advised that he does not have a job and advised that it was only around one hundred dollars taken off of his person and he wasn't going to worry about "That chump change." He then advised that he would make

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Original Narrative (continued):

it back up in minutes.

All three were issued civil forfeiture paperwork and advised on how to get the money back. All three advised that they understood what I was telling them.

**TRANSPORTED/LODGED:**

All were then transported to BCSD to be lodged for use of marijuana. ATKINS was also lodged for Maintain a drug vehicle and driving without a valid license.

**STRIP SEARCH:**

Once at BCSD, all were strip searched for drug offenses. No contraband was located on ATKINS or WALKER'S person.

While JACKSON was being strip searched, Deputies from the BCSD Jail located a large plastic baggie in between JACKSON'S legs. Plastic baggie was underneath JACKSON'S testicles. Inside the plastic baggie I recovered 104 individual lottery bindles. NOTE: In my experience as a Police Officer in the City of Benton Harbor lottery bindles are a common way to package heroin and cocaine. Inside the bindles I located a brown powdery substance identified as heroin. All were then charged with maintain a drug vehicle and possession of heroin with intent to deliver.

**DRUG/NARCOTIC DISPOSITION:**

Suspect heroin was transported to BHPD where it was weighed 11.5 gms and tested positive for heroin per "NIK" kit. Suspect marijuana was transported to BHPD where it was weighed 1.0 gms and tested positive for marijuana per "NIK" kit. All evidence was then logged and secured.

**SUSPECT VEHICLE DISPOSITION:**

Listed vehicle was impounded by Meeks Towing and will be held at BHPD for a Avis representative.

**STATUS:**

Open, pending property, vehicle disposition.

Submitted by Officer Andrew T. Collins # 114

Reviewed by: